

## **REMARKS**

### **RESPONSE TO EXAMINER'S ARGUMENTS**

The Applicants have responded to Examiner's remarks on pages 2-5 of the Office Action. While the Applicants believe that the Examiner has not shown a teaching of "said first voice analysis platform or said second voice analysis platform receiving a selected output from a signal processing element of said one or more signal processing elements, said output used to compute a voice quality score," the Applicants have made a clarifying amendment to independent Claim 19 in an effort to advance this case to allowance. Applicants respectfully submit that Goodman does not teach each and every feature recited in "a first voice analysis platform for transmitting a reference speech through said communication system; and a second voice analysis platform for receiving said reference speech transmitted through said communication system, said communication system comprising a plurality of signal processing elements used to process said reference speech, wherein a network interface is used to communicatively couple the outputs of said plurality of signal processing elements to said first voice analysis platform or said second voice analysis platform, wherein a reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements is transmitted through said network interface to said first voice analysis platform or said second voice analysis platform, said reference speech sample obtained at said output used to compute a voice quality score at said first voice analysis platform or said second voice analysis platform." Consequently, the Applicants believe that Claim 19 and its corresponding dependent claims are in condition for allowance. Because Claim 19 is in condition for allowance, Applicants may not have not commented on Examiner's remark to Claim 29, but reserve the right to do so in any future

response, should the need arise. Since Claim 29 depends on an allowable Claim 19, the Applicants respectfully submit that Claim 19 is in condition for allowance

With respect to independent Claim 11, the Applicants respectfully disagree that Goodman teaches “transmitting reference speech samples into said communication system;

receiving said reference speech samples captured at one or more processing points within a gateway of said communication system; and

determining voice quality scores based on said captured reference speech samples using said voice analysis platform.”

As acknowledged by the Examiner, Goodman “describes transmitting speech from a first test probe to a second test probe.” Furthermore, Goodman *only* “describes transmitting speech from a first test probe to a second test probe,” wherein the first test probe and the second test probe are located at the endpoints of a communication path. Applicants respectfully request the Examiner to consider Goodman, at Figures 1-3 and 5-6, which clearly discloses *one or more test probes located at the endpoints of one or more end-to-end communication paths*. Therefore, there is no teaching of “receiving said reference speech samples captured at one or more processing points within a gateway of said communication system; and determining voice quality scores based on said captured reference speech samples using said voice analysis platform,” as recited in Claim 11. Thus, the Applicants believe that Claim 11 and its corresponding dependent claims are in condition for allowance.

The Examiner states that “Regarding other claim [sic], the response to the applicant's arguments (Remarks: page 18, paragraph 2 to page 21, paragraph 1) is based on the same reason described for claims 19 and 29, because the arguments are based on the same issue(s) as claims 19 and 29 stated above.” In response, the Applicants respectfully submit that independent

Claims 30 and 41 should be allowed for at least the reasons Applicants have stated for Claims 11 and 19 above.

## **CLAIMS**

### **REJECTION OF CLAIMS 11-13 and 15-16 UNDER 35 U.S.C. § 101**

Claims 11-13 and 15-16 were rejected under 35 U.S.C. § 101 because the Examiner alleges that the claimed invention is directed to non-statutory subject matter.

#### **Independent Claim 11**

Regarding Claim 11, the Office Action states:

Regarding claim 11, it is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions<sup>2</sup> indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. In this case, the claimed steps of "receiving ... ; receiving ... ; and determining ... ", are of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. For example, the claim language itself is sufficiently broad to read on that a person speaks some words (speech samples) toward some medium (such as a pipe, thread, wall or even air -- communication system in broad sense), and another person hears the

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

<sup>2</sup> *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008)

spoken words at some distant point of the medium by using his ear(s), and mentally figures out subjective good or bad score reflecting quality of the heard words, without a machine for performing the steps. Therefore, the claimed invention, as whole, is directed to non-statutory subject matter.

In response to the Examiner's rejection, the Applicants have amended Claim 11. Claim 11 recites "a method of assessing voice quality of a communication system using a voice analysis platform comprising: transmitting reference speech samples into said communication system; receiving said reference speech samples captured at one or more processing points within a gateway of said communication system; and determining voice quality scores based on said captured reference speech samples using said voice analysis platform."

35 U.S.C. § 101 states:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Applicants submit that Claim 11 recites a new and useful process of assessing voice quality of a communication system. Therefore, Claim 11 complies with 35 U.S.C. § 101. Furthermore, the statutory process is tied to an apparatus comprising a voice analysis platform, which is described in the specification of the present Application. Consequently, for at least the foregoing reasons, the patentable subject matter of Claim 11 complies with 35 U.S.C. § 101. Therefore, the Applicants respectfully submit that Claim 11 is in condition for allowance. The Examiner has rejected Claims 12-13 and 15-16 for the same reason as described for Claim 11. In response, the Applicants have amended Claims 12 and 15, as presented in the Listing of the

Claims. Applicants respectfully submit that Claims 12-13 and 15-16 are in condition for allowance.

**REJECTION OF CLAIMS 11-12, 17, 19-20, 23, 27-31, 34, 36-37, 40-42, 47-49 AND 52  
UNDER 35 U.S.C. § 102(e)**

Claims 11-12, 17, 19-20, 23, 27-31, 34, 36-37, 40-42, 47-49 and 52 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by GOODMAN (US 7173910 B2).

**Independent Claim 19**

Regarding Claim 19, the Office Action states:

As per claim 19, GOODMAN discloses 'service level agreements based on objective voice quality testing for voice over IP (VOIP) networks' (title) for 'a network-wise monitoring system' (col. 7, lines 3-5), comprising:

"a first voice analysis platform for transmitting a reference speech sample through a communication system"; (Figs. 1-2 and col. 3, lines 5-67, 'voice quality test probes 14a and 14b' 'store software algorithm implementing a perceptual or voice call listening quality test model', 'analyzes the voice quality of the recorded voice file (so interpreted as voice analysis platform)', and 'transmit ... the reference voice files (speech sample) over the speech path within the VOIP network (communication system)', 'one test probe acts as a resource to transmit the file'); and "a second voice analysis platform for receiving said reference speech sample transmitted through said communication system" (similarly, Figs. 1-2 and col. 3, lines 5-57, 'voice quality test probes 14a and 14b' 'store software algorithm implementing a perceptual or voice call listening (receiving) quality test model (so as interpreted as voice analysis platform)' and 'receive the reference voice files (speech sample) over the speech path within the VOIP network (communication system)', 'a second test probe acts as a resource to receive the file transmitted'),

"said communication system comprising one or more signal processing elements used to process said reference speech sample", (Figs. 1-2 and col. 3, lines 12-27, 'gateway' and 'IP communication devices' (signal processing elements), col. 4, lines 12-33, 'codecs' (signal processing elements) used by 'the VOIP communications device' including 'gateway' (can be interpreted as signal processing element or communication system)'),

"said first voice analysis platform or said second voice analysis platform receiving a selected output from a signal processing element of said one or more signal processing elements, said output used to compute a voice quality score" (Figs. 1-3 and col. 4, lines 3-17, 'when the analysis is complete, the test probe translates the difference into a PAMS score', 'the voice listening quality test is performed for each level of service as determined (selecting output from a signal processing element) by the type of codec (i.e., coder/decoder) that is used by the VOIP communication device that is performing the voice encoding and decoding operations'; col. 7, lines 12-22, 'all test probes in the network are configured and controlled by the manager' that 'stores the consolidated information in a database for analysis'; col. 7, lines 30-60, 'supports a large number of VOIP Points (outputs) of Presence (VOIP POPs)'; col. 3, lines 28-29, 'the test probes also store a software algorithm implementing a perceptual or voice call listening quality test model', including 'Perceptual Analysis Measurement System (PAMS)' and 'Perceptual Speech Quality Measurement (PSQM)' that provide objective voice quality scores; it is noted that either the test probe or combination of the test probes and the manager can be read on the voice analysis platform).

Claim 19 recites: "a system for monitoring degradation of voice quality in a communication system comprising:

a first voice analysis platform for transmitting a reference speech through said communication system; and

a second voice analysis platform for receiving said reference speech transmitted through said communication system, said communication system comprising a plurality of signal processing elements used to process said reference speech, wherein a network interface is used to communicatively couple the outputs of said plurality of signal processing elements to said first voice analysis platform or said second voice analysis platform, wherein a reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements is transmitted through said network interface to said first voice analysis platform or said second voice analysis platform, said reference speech sample obtained at said output used to compute a voice quality score at said first voice analysis platform or said second voice analysis platform.”

While Goodman may disclose “service level agreements based on objective voice quality testing for VOIP networks,” as alleged by the Examiner, the Applicants respectfully submit that Goodman’s “service level agreement” does not teach anything about a “communication system comprising a plurality of signal processing elements used to process said reference speech, wherein a network interface is used to communicatively couple the outputs of said plurality of signal processing elements to said first voice analysis platform or said second voice analysis platform, wherein a reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements is transmitted through said network interface to said first voice analysis platform or said second voice analysis platform, said reference speech sample obtained at said output used to compute a voice quality score at said first voice analysis platform or said second voice analysis platform,” as recited in Claim 19. Consequently, the Office Action does not show a teaching of each and every feature recited in Claim 19. For at least these reasons, Claim 19 contains patentable subject matter.

Furthermore, none of Goodman, at Figs. 1-2, at col. 3 lines 5-67, and at col. 4, lines 12-33, discloses “anything about a “communication system comprising a plurality of signal processing elements used to process said reference speech, wherein a network interface is used to communicatively couple the outputs of said plurality of signal processing elements to said first voice analysis platform or said second voice analysis platform, wherein a reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements is transmitted through said network interface to said first voice analysis platform or said second voice analysis platform, said reference speech sample obtained at said output used to compute a voice quality score at said first voice analysis platform or said second voice analysis platform,” as recited in Claim 19.

While Goodman discloses the use of test probes placed at one or more endpoints of a communication system path for use in measuring the quality of a received reference voice file, nowhere does Goodman, at Figs. 1-2, at col. 3 lines 5-67, and at col. 4, lines 12-33, disclose anything about a “communication system comprising a plurality of signal processing elements used to process said reference speech, wherein a network interface is used to communicatively couple the outputs of said plurality of signal processing elements to said first voice analysis platform or said second voice analysis platform, wherein a reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements is transmitted through said network interface to said first voice analysis platform or said second voice analysis platform, said reference speech sample obtained at said output used to compute a voice quality score at said first voice analysis platform or said second voice analysis platform,” as recited in Claim 19.



The Office Action alleges that Goodman, at col. 3 lines 28-29, discloses “the test probes also store a software algorithm implementing a perceptual or voice call listening quality test model”, including ‘Perceptual Analysis Measurement System (PAMS)’ and ‘Perceptual Speech Quality Measurement (PSQM)’ that provide objective voice quality scores; it is noted that either the test probe or combination of the test probes and the manager can be read on the voice analysis platform).” Goodman, at col. 3 lines 28-29, states:

The test probes 14a, 14b store a sample or reference voice file 22a, 22b, respectively, for test purposes. The reference

The Applicants respectfully submit that while Goodman, at col. 3 lines 28-29, discloses the use of test probes 14a, 14b, located at the endpoints of a communication path, the test probes 14a, 14b do not receive any “reference speech sample obtained at an output of a signal processing element of said plurality of signal processing elements,” as recited in Claim 19. Therefore, for this reason alone, the Office Action has not shown a teaching of what is recited in Claim 19. Thus, Claim 19 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 19 should be advanced to allowance. Claim 19 should be allowed unless the Examiner is able to show a teaching of each and every element and/or feature recited in Claim 19. Moreover, Claims 20-29 should be allowed since they depend on an allowable independent Claim 19. Furthermore, the Applicants respectfully request the Examiner to review Applicants’ previous arguments made in the RESPONSE TO EXAMINER’S ARGUMENTS section.

**Independent Claim 11**

Regarding Claim 11, the Office Action states:

As per claim 11, it recites a method. As best understood in view of the rejection under 35 USC 101 (see above), the rejection is based on the same reason described for claim 19, because it also reads on the limitations of claim 11.

Applicants have amended Claim 11 as presented in the Listing of the Claims. Claim 11 recites “a method of assessing voice quality of a communication system using a voice analysis platform comprising:

transmitting reference speech samples into said communication system;

receiving said reference speech samples captured at one or more processing points within a gateway of said communication system; and

determining voice quality scores based on said captured reference speech samples using said voice analysis platform.

In response to the Office Action, the Applicants respectfully request the Examiner to refer to the arguments set forth above with regard to the rejection of Claim 19. For at least the reasons Applicants have provided in Claim 19, the Applicants respectfully submit that Goodman does not teach what is recited in Claim 11. Therefore, the Office Action has not shown a teaching of what is recited in Claim 11. Thus, Claim 11 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 11 should be advanced to allowance. Since independent Claim 11 is allowable, the Applicants may not have commented on the remarks made by the Examiner regarding dependent Claims 12-17 and 49-54, but reserve the right to do so in the future should the need arise. Since Claims 12-17

and 49-54 depend on allowable Claim 11, the Applicants respectfully submit that Claims 12-17 and 49-54 are in condition for allowance. Thus, the Applicants respectfully request allowance of Claims 11-17 and 49-54.

### **Independent Claim 30**

Regarding Claim 30, the Office Action states:

As per claim 30, the rejection is based on the same reason described for claim 19, because it also reads on the limitations of claim 30.

Applicants have amended Claim 30 as presented in the Listing of the Claims. Claim 30 recites: “a system for monitoring degradation of voice quality in a communication system comprising:

a voice analysis platform for transmitting and receiving reference speech through said communication system, said communication system comprising a plurality of signal processing elements used to process said reference speech, said voice analysis platform receiving a reference speech sample from an output of a signal processing element of said plurality of signal processing elements, said reference speech sample transmitted to said voice analysis platform via a network interface, said network interface used for communicatively coupling said signal processing element to said voice analysis platform, said reference speech sample used to compute a voice quality score.”

In response to the Office Action, the Applicants respectfully request the Examiner to refer to the arguments set forth above with regard to the rejection of Claim 19. For at least the reasons Applicants have provided in Claim 19, the Applicants respectfully submit that Goodman

does not teach what is recited in Claim 30. Therefore, the Office Action has not shown a teaching of what is recited in Claim 30. Thus, Claim 30 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 11 should be advanced to allowance. Since independent Claim 30 is allowable, the Applicants may not have commented on the remarks made by the Examiner regarding dependent Claims 31-40, but reserve the right to do so in the future should the need arise. Since Claims 31-40 depend on allowable Claim 30, the Applicants respectfully submit that Claims 31-40 are in condition for allowance. Thus, the Applicants respectfully request allowance of Claims 31-40.

#### **Independent Claim 41**

Regarding Claim 41, the Office Action states:

As per claim 41, it recites a method. The rejection is based on the same reason described for claim 19, because the claim recites the same or similar limitation(s) as claim 19.

Applicants have amended Claim 41 as presented in the Listing of the Claims. Claim 41 recites: “a method of assessing voice quality at various points along a communication system comprising:

transmitting a reference speech from a first voice analysis platform to a second voice analysis platform via at least one gateway;

monitoring an output of a plurality of signal processing elements of said at least one gateway;

transmitting a reference speech sample from said output to said first voice analysis platform or said second voice analysis platform; and

using said reference speech sample to generate a voice quality score by said first voice analysis platform or said second voice analysis platform.”

In response to the Office Action, the Applicants respectfully request the Examiner to refer to the arguments set forth above with regard to the rejection of Claim 19. For at least the reasons Applicants have provided in Claim 19, the Applicants respectfully submit that Goodman does not teach what is recited in Claim 41. Therefore, the Office Action has not shown a teaching of what is recited in Claim 41. Thus, Claim 41 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 41 should be advanced to allowance. Since independent Claim 41 is allowable, the Applicants may not have commented on the remarks made by the Examiner regarding dependent Claims 42-48, but reserve the right to do so in the future should the need arise. Since Claims 42-48 depend on allowable Claim 41, the Applicants respectfully submit that Claims 42-48 are in condition for allowance. Thus, the Applicants respectfully request allowance of Claims 41-48.

**REJECTION OF DEPENDENT CLAIMS 12, 17, 20, 23, 27-31, 34, 36-37, 40, 41, 47-49 AND 52 UNDER 35 U.S.C. § 102(e)**

Claims 12, 17, 20, 23, 27-31, 34, 36-37, 40, 41, 47-49 and 52 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by GOODMAN (US 7173910 B2).

Claims 12, 17, 20, 23, 27-31, 34, 36-37, 40, 41, 47-49 and 52 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Goodman. Based on at least the foregoing arguments with respect to the patentability of independent Claims 11, 19, 30, and 41, the Applicants believe that the rejections of independent Claims 11, 19, 30, and 41 under 35 U.S.C. § 102(e) as being unpatentable over Goodman have been overcome; consequently, the Applicants request their

corresponding dependent claims should be passed to allowance. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 12, 17, 20, 23, 27-31, 34, 36-37, 40, 41, 47-49 and 52 in a future response. Therefore, for at least the foregoing reasons, Claims 12, 17, 20, 23, 27-31, 34, 36-37, 40, 41, 47-49 and 52 are allowable.

**REJECTION OF CLAIMS 21, 25, 32, 39, 50 and 54 UNDER 35 U.S.C. § 103(a)**

Claims 21, 25, 32, 39, 50 and 54 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goodman in view of Houh, et al. (US 2002/0016937 A1), “Houh”.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 11, the Applicants believe that the rejections of independent Claim 11 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 50 and 54 be passed to allowance. Therefore, since Claims 50 and 54 depend on an allowable Claim 11, Claims 50 and 54 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 50 and 54 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 19, the Applicants believe that the rejections of independent Claim 19 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 21 and 25 be passed to allowance. Therefore, since Claims 21 and 25 depend on an allowable Claim 19, Claims 21 and 25 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 21 and 25 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 30, the Applicants believe that the rejections of independent Claim 30 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 32 and 39 be passed to allowance. Therefore, since Claims 32 and 39 depend on an allowable Claim 30, Claims 32 and 39 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 32 and 39 in a future response.

**REJECTION OF CLAIMS 24, 26, 35, 38, 46 AND 53 UNDER 35 U.S.C. § 103(a)**

Claims 24, 26, 35, 38, 46 AND 53 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goodman in view of EL-HENNAWEY, et al. (US 2004/0071084 A1), “El-Hennawey”.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 11, the Applicants believe that the rejections of independent Claim 11 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claim 53 be passed to allowance. Therefore, since Claim 53 depends on an allowable Claim 11, Claim 53 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claim 53 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 19, the Applicants believe that the rejections of independent Claim 19 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 24 and 26 be passed to allowance. Therefore, since Claims 24 and

26 depend on an allowable Claim 19, Claims 24 and 26 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 24 and 26 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 30, the Applicants believe that the rejections of independent Claim 30 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 35 and 38 be passed to allowance. Therefore, since Claims 35 and 38 depend on an allowable Claim 30, Claims 35 and 38 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 35 and 38 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 41, the Applicants believe that the rejections of independent Claim 41 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claim 46 be passed to allowance. Therefore, since Claim 46 depends on an allowable Claim 41, Claim 46 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claim 46 in a future response.

#### **REJECTION OF CLAIMS 13, 15-16 AND 43-45 UNDER 35 U.S.C. § 103(a)**

Claims 13, 15-16 and 43-45 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goodman in view of Bauer, et al. (US 2005/026189 A1), “Bauer”.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 11, the Applicants believe that the rejections of independent Claim 11 under 35 U.S.C.



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§ 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 13 and 15-16 be passed to allowance. Therefore, since Claims 13 and 15-16 depend on an allowable Claim 11, they should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 13 and 15-16 in a future response.

Based on at least the foregoing arguments with respect to the patentability of independent Claim 41, the Applicants believe that the rejections of independent Claim 41 under 35 U.S.C. § 102(e) as being unpatentable over Goodman has been overcome; consequently, the Applicants request that dependent Claims 43-45 be passed to allowance. Therefore, since Claims 43-45 depend on an allowable Claim 41, they should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 43-45 in a future response.

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### **CONCLUSION**

Based on at least the foregoing, the Applicants believe that the pending claims are in condition for allowance. Therefore, a Notice of Allowance is courteously solicited. Should anything remain in order to place the present Application in condition for allowance, or should the Examiner disagree or have any questions regarding this submission, the Examiner is kindly invited to contact the undersigned at (312) 775-8246.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: July 24, 2009

Respectfully submitted,

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